

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

COURTNEY BOYD (AIS #208921),

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Plaintiff,

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V.

2:06-CV-511-WKW

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DR. DARBOUZE, et al.,

*

Defendants.

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DEFENDANTS' RESPONSE TO COURT ORDERS DATED
MAY 18, 2007 AND MAY 21, 2007

COME NOW Defendants, Prison Health Services, Inc., Jean Darbouze, M.D., Kay Wilson, R.N., H.S.A., Cynthia Wambles, R.N., and Susanne Bush, L.P.N. and respectfully show in response to this Honorable Court's Orders of May 18, 2007 and May 21, 2007 as follows:

I. INTRODUCTION

On April 11, 2007, Plaintiff filed a motion with the Court for leave to file interrogatories to the above noted Defendants. (See Doc. No. 79). The Court granted Plaintiff's motion, in part, on April 12, 2007 requiring that the Defendants respond to Plaintiff's purported interrogatories 4, 5, 8, 9, 10, 11 and 12 as indicated. (See Doc. No. 80). The Defendants' responses to Plaintiff's interrogatories were due to the Plaintiff on May 14, 2007. (See Doc. No. 83).

Defendant Bush filed a Special Report and Answer with the Court on May 10, 2007. (See Doc. No. 86). On May 14, 2007, Defendants mailed their interrogatory responses to Plaintiff. (See Ex. "A"). Counsel for Defendants drafted a letter to the Plaintiff explaining that the responses submitted were unsigned, and that executed responses would be forthcoming. (Id.)

On May 17, 2007, the Plaintiff filed a motion with the Court stating that Defendant Bush's Special Report and Answer were lost or held up in the prison mail system and, as such, he had not received the motion and pleading. (See Doc. No. 91). On May 18, 2007, Plaintiff filed a Motion to Compel with the Court complaining (1) that the Defendants' interrogatory responses were unsigned and (2) that the Defendants should be responsible for answering more interrogatories than ordered by the Court. (See Doc. No. 96).

That same day (the 18th) the Court entered an Order directing the Defendants to (1) provide Plaintiff with a copy of Defendant Bush's Special Report and Answer and (2) show cause why they failed to submit to the Plaintiff interrogatory responses by May 14th. (See Doc. No. 95). On May 21, 2007, the Court entered another Order directing that the Defendants file this response to Plaintiff's Motion to Compel. (See Doc. No. 97). On May 22, 2007, Defendants submitted executed interrogatory responses to the Plaintiff as promised via their correspondence of May 14th. (See Ex. "B").

II. RESPONSE

The Plaintiff was mailed a copy of Defendant Bush's Special Report and Answer on May 10, 2007. (See Exhibit "C"). However, the Defendants will mail the Plaintiff a second copy today.

The Defendants provided timely responses to those interrogatories ordered by the Court with appropriate objections noted as indicated. (See Ex. "A"). In order to ensure that they met the deadline directed by this Court, Defendants mailed an unexecuted copy of their interrogatory responses to Plaintiff on May 14th. (Id.) Executed copies followed via mail on May 22nd. (See Ex. "B"). The Plaintiff has not been prejudiced by receiving an executed copy of Defendants'

responses on May 22nd. The information set forth in the unexecuted responses is identical to that in the supplemented executed copy.

WHEREFORE, the Defendants Prison Health Services, Inc., Jean Darbouze, M.D., Kay Wilson, R.N., H.S.A., Cynthia Wambles, R.N., and Susanne Bush, L.P.N. move this Honorable Court to deny Plaintiff's Motion to Compel filed on May 18, 2007.

Respectfully submitted the 29th day of May, 2007.

s/L. Peyton Chapman, III
Alabama State Bar Number CHA060
s/R. Brett Garrett
Alabama State Bar Number GAR085
Attorneys for Defendants Prison Health
Services, Inc., Jean Darbouze, M.D., Kay
Wilson, R.N., H.S.A., Cynthia Wambles,
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served by U.S. Mail
this the 29th day of May, 2007, to:

Courtney Boyd (AIS# 208921)
Easterling Correctional Facility
200 Wallace Drive
Clio, Alabama 36017

s/R. Brett Garrett GAR085

Attorney for Defendants Prison Health
Services, Inc., Jean Darbouze, M.D., Kay
Wilson, R.N., H.S.A., Cynthia Wambles,
R.N., and Susanne Bush.